

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Sweeney	Team: Squad #9	CCRB Case #: 201503531	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/29/2015 7:45 PM	Location of Incident: Broadway and East 13th Street	Precinct: 13	18 Mo. SOL 10/29/2016	EO SOL 10/29/2016	
Date/Time CV Reported Thu, 04/30/2015 11:25 AM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 05/04/2015 11:21 AM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. LT Kevin Shea	00000	935732	MTS PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.LT Kevin Shea	Discourtesy: Lt. Kevin Shea acted rudely toward § 87(2)(b)				

Case Summary

On April 29, 2015, at approximately 7:45 p.m., § 87(2)(b) exited § 87(2)(b), located at East 13th Street and Broadway in Manhattan, to observe an ongoing anti-police violence protest taking place outside of his building. § 87(2)(b) maintained that he was merely watching the protest, and was not an active participant in the march. § 87(2)(b) approached an officer identified as Lt. Kevin Shea of Manhattan South Precinct on the east side of Broadway and East 13th Street. § 87(2)(b) asked Lt. Shea why no officers were blocking traffic to prevent cars from hitting the protesters. Lt. Shea said, “We know what we are doing,” or something similar, and allegedly brushed § 87(2)(b) aside with his arm (**Allegation A**).

There is no video footage in this case. The closure of this case was significantly delayed by the fact that it was returned to the undersigned on September 1, 2015, after § 87(2)(b) and Lt. Shea failed to reach an agreement in Mediation. This case was on the agency’s sensitive case list because it was related to an anti-police protest.

Mediation, Civil and Criminal Histories

- On May 7, 2015, § 87(2)(b) accepted mediation via telephone (Board Review 1).
§ 87(2)(b)
§ 87(2)(b)
- A FOIL request indicated that as of September 23, 2015, a Notice of Claim had not been filed in regard to this incident (Board Review 2).
- § 87(2)(b) has no criminal convictions in New York City in the past ten years (Board Review 3).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)’s first CCRB case (Board Review 4).
- Lt. Shea has been a member of service for eleven years and has one other CCRB case (Board Review 5). In case 20115926, an entry allegation was substantiated. Charges were recommended by the CCRB, and the case is currently with the CCRB’s Administrative Prosecution Unit.

Findings and Recommendations

Explanation of Subject Officer Identification:

§ 87(2)(b) described Lt. Shea as a white male, approximately 35 years old, standing 6’1” tall, with a slim build, narrow face, and brown/grey hair (Board Review 6). § 87(2)(b) identified him as a lieutenant because he had a bar on his shirt and introduced himself as “Lieutenant Shea” when § 87(2)(b) asked him for his name. Lt. Shea also turned his shield so that § 87(2)(b) could read his name. Lt. Kevin Shea of the 14th Precinct is a § 87(2)(b)-old white male who stands 6’1” tall, weighs 210 pounds, and has brown hair (Board Review 7). The Detail Roster for the Union Square Protests on April 29, 2015, lists Lt. Shea as working during the incident (Board Review 8). Lt. Shea acknowledged his interaction with § 87(2)(b) which he detailed in his memo book on April 29, 2015 (Board Review 9).

Allegation A—Discourtesy: Lt. Kevin Shea acted discourteously toward § 87(2)(b)

§ 87(2)(b) stated that he exited his apartment just as the marchers were exiting Union Square and walking south on Broadway (Board Review 10). § 87(2)(b) walked north on Broadway and noticed that at East 13th Street and the Broadway, there were no police blocking

traffic. § 87(2)(b) saw a group of approximately two dozen uniformed officers at the northeast corner of East 13th Street and Broadway. § 87(2)(b) approached a lieutenant identified via the investigation as Lt. Shea, and asked, “Why isn’t traffic being blocked on the cross streets as it usually is?” § 87(2)(b) walked south with Lt. Shea as he talked. Lt. Shea said, “We know what we’re doing.” § 87(2)(b) replied, “You are putting people’s lives in danger. I realize these people do not have a permit. I realize it is a police protest. But your failure to protect these marchers is both shameful and counterproductive.” Lt. Shea repeated, “We know what we are doing.” They came to a narrowing of the street because of construction, at which point Lt. Shea brushed § 87(2)(b) away with his forearm. § 87(2)(b) described the motion as, “he moved his arm—which was bent so that his lower arm was parallel to the ground—and he moved it away from his body.” § 87(2)(b) interpreted Lt. Shea’s action as an attempt to brush him aside, and not to strike him, despite the fact that Lt. Shea’s arm made contact with his body. § 87(2)(b) did not do anything to respond to this. Lt. Shea continued walking, and § 87(2)(b) walked away. It was clear to § 87(2)(b) that Lt. Shea’s “indifference had risen to the level of unpleasantness.” § 87(2)(b) described his demeanor as, “respectful, but adamant.” Lt. Shea’s attitude was “terse, and surely indifferent.”

Lt. Shea stated he was walking south from 14th Street on the east side of Broadway (Board Review 11). The crowd was to his right. Lt. Shea was instructed to follow and direct protesters southbound on Broadway. The police were supposed to encourage protesters to follow the laws and stay on the sidewalk. Lt. Shea was working with a captain, three sergeants, and twenty-four officers. Lt. Shea was trying to evenly space the officers. After walking approximately one or two blocks, a male identified as § 87(2)(b) approached Lt. Shea on his left-hand side. § 87(2)(b) yelled at Lt. Shea about something Lt. Shea did not understand. Lt. Shea then heard § 87(2)(b) say, “Why aren’t you protecting the drivers from them?” Lt. Shea did not understand what he meant by this. § 87(2)(b) then said, “Why aren’t you protecting them from the traffic?” Lt. Shea continued to walk because he was trying to keep up with the protest and direct the other members of his Detail. Lt. Shea did not respond to § 87(2)(b) because he was busy and he “did not really have an answer.” § 87(2)(b) began yelling at Lt. Shea and asked for his name, and Lt. Shea provided it verbally. § 87(2)(b) was so intent on yelling at Lt. Shea while they were walking that § 87(2)(b) almost ran into “some object.” Lt. Shea did not know if this object was a tree or a pole, but it was stationary, vertical, and coming from the sidewalk. Lt. Shea thought that § 87(2)(b) actually made contact with the object. Lt. Shea never said anything about this during his interaction with § 87(2)(b). § 87(2)(b) almost tripped over a bicycle tied to a pole. Twice, § 87(2)(b) walked in front of Lt. Shea, causing him to almost trip and fall. Lt. Shea continued walking at a quick pace, and § 87(2)(b) instead of slowing his stride and dropping behind Lt. Shea, repeatedly tried to walk in front of Lt. Shea. § 87(2)(b) while following Lt. Shea, attempted to avoid an object, and was going to step directly in front of Lt. Shea. This would have caused them both to trip and fall if Lt. Shea did not block § 87(2)(b). Lt. Shea extended his left forearm and his hand, while keeping his elbow close to his body. He did not brush him aside or move his arm—he extended his arm to block § 87(2)(b) from stepping in front of his path. There was no other reason that he did this. § 87(2)(b) told Lt. Shea that he assaulted him, and Lt. Shea replied that he did not assault him.

§ 87(2)(g) § 87(2)(b)
an attorney, filed his complaint via letter almost immediately after the incident (Board Review 12). § 87(2)(g)
Lt. Shea denied pushing § 87(2)(b) § 87(2)(g)
§ 87(2)(b) In regard to Lt. Shea’s statement that § 87(2)(b) almost ran into an object protruding vertically from the sidewalk, a Google Maps search indicated that there are two lampposts, one fire hydrant, and several signs on

the east side of Broadway between East 12th and East 13th Street (Board Review 13). § 87(2)(g)

[REDACTED]

Squad: 9

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date